UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CM 17-48-UA	Date	March 22, 2017
Title	In re Investigation		

Present: The Honorable	**SHERI PYM, United States Magistrate Judge**

Kimberly I. Carter	None
Deputy Clerk	Court Reporter / Recorder

Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
N/A	N/A

Proceedings: **(In Chambers) Order to Show Cause Why Ex Parte Motion Should Not Be Rejected as Improperly Lodged**

In the criminal case of *United States v. The Morrow Institute Medical Group, Inc., et al.*, No. SA CR 15-99-JLS, the government (Privilege Review Team AUSA Tritia Yuen) lodged an ex parte motion for in camera inspection of electronic files, apparently without notice to the defendants in the case. As set forth in the Order Rejecting Lodged Documents, which was filed on March 17, 2017 in that case, the court returned the documents to the government and explained that, before lodging documents for in camera review, the government must seek leave of court to do so by filing a properly supported ex parte application, including providing notice to the defendants.

Rather than resubmitting the documents in the *Morrow* criminal case along with a properly filed application and notice, on March 21, 2017, the government lodged an ex parte motion for in camera inspection in this new miscellaneous matter, *In re Investigation*, No. ED CM 17-48-UA. The government's only purported explanation for this change in filing was that AUSA Yuen has since learned through consultation that the documents of which the government seeks in camera review should have been lodged as a duty matter, since they arise out of a search warrant. This explanation in fact does little to elucidate for the court why the government did not resubmit the ex parte motion, in compliance with the court's instructions, in the *Morrow* case.

Accordingly, the court now orders the government to show cause, by **March 27, 2017**, why the ex parte motion lodged in this case should not be rejected as improperly lodged. In responding to this order to show cause, the government must address the

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following questions, and cite any authority it has for its responses:

1. Why did the government not file the ex parte motion in the *Morrow* case, and instead submit it in a new miscellaneous case?

2. Why was the motion submitted as an Eastern Division miscellaneous case, and without any notice of related case, when the *Morrow* case is pending in the Southern Division?

3. Why has the government apparently continued to fail to give notice of the ex parte motion to the defendants in the *Morrow* case, and why should they not be permitted the opportunity to respond to the ex parte motion?